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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/764,270	01/19/2001	Ichiro Moritomo	199527US2X	6216
22850	7590	05/31/2006	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.			NGUYEN, DUSTIN	
1940 DUKE STREET			ART UNIT	
ALEXANDRIA, VA 22314			PAPER NUMBER	
			2154	

DATE MAILED: 05/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/764,270

Applicant(s)

MORITOMO, ICHIRO

Examiner

Dustin Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-14,16-59,61-72 and 74-116 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-14,16-59,61-72 and 74-116 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1, 3-14, 16-59, 61-72, 74-116 are presented for examination.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 30-58, 88-116 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- A. The claim language in the following claims is not clearly understood:

- I. As per claims 30, 45, 88 and 103, it is not clearly defined the first and second important information and the ordered of what information are being saved into the hard disk drive and the storage device since according to paragraph 0040 of the specification, the data information [i.e. second important information] is saved on the hard disk drive and the program information [i.e. first important information] is being transferred to the storage medium.

Claim Rejections - 35 USC § 103

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3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3, 7-14, 16, 19, 20, 23-29, 59, 61, 65-72, 74, 77, 78, 81-87, are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter et al. [US Patent No 20020056118], in view of Wiser et al. [US Patent No 6,330,675].

5. As per claim 1, Hunter discloses the invention substantially as claimed including a method of transmitting information to a computer [610, Figure 23; and paragraph 0012, lines 11-19] having a removable medium [630, Figure 23], comprising the steps of:

receiving a request from the computer to download information over a network [Figure 11; and paragraph 0139];

determining whether a device of the computer having structure to write to the removable medium meets predetermined criteria that includes a capability to deal with an interrupted or non-steady data flow [i.e. capability to detect bit loss] [paragraph 0213-0216] and is therefore an appropriate device for writing to the removable medium [i.e. determine status of disc position, etc, blank disk, empty disk] [Figure 6; and paragraph 0074].

transmitting information to the computer in order for the device of the computer to write the information to the removable medium [Figure 4; and paragraph 0012, lines 11-19].

Hunter does not specifically disclose

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wherein the transmitting step comprises

transmitting the information to the computer in order for the device of the computer to write the information to the recordable medium without writing any of the information to an intermediate storage device, when the determining step determines that the device is an appropriate device for writing to the removable medium; and

transmitting the information to the computer in order for the intermediate storage device to store the information followed by reading the information from the intermediate storage device and writing the information to the removable medium using the device, when the determining step determines that the device is not an appropriate device for writing to the removable medium.

Wiser discloses

wherein the transmitting step comprises

transmitting the information to the computer in order for the device of the computer to write the information to the recordable medium without writing any of the information to an intermediate storage device [i.e. the digital file in local storage medium is written directly to recordable storage medium without the use of an intermediate file or intermediate local storage] [col 8, lines 7-11], when the determining step determines that the device is an appropriate device for writing to the removable medium [i.e. when the components can meet the required data flow requirements of the recordable storage medium] [col 8, lines 11-19]; and

transmitting the information to the computer in order for the intermediate storage device to store the information followed by reading the information from the intermediate storage device and writing the information to the removable medium using the device [i.e. the

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intermediate file is stored to hard drive and the distribution device takes this intermediate file from hard drive and writes to CD-R medium] [col 4, lines 57-col 5, lines 8], when the determining step determines that the device is not an appropriate device for writing to the removable medium [i.e. the use of the intermediate file is beneficial because it allows strong encryption algorithm and preprocessed using computationally intensive methods which would not otherwise support the data flow rates required for certain types of recordable storage media] [col 2, lines 34-41; and col 5, lines 9-34].

It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Hunter and Wiser because Wiser's teaching of intermediate file would allow the transfer of digital data to a local recordable storage medium while securing the transfer against unauthorized copying of the data [Wiser, col 1, lines 17-20].

6. As per claim 3, Hunter discloses determining whether the device is an appropriate device by examining state data of the device [i.e. status of slot] [Figure 6].

7. As per claim 7, Hunter discloses the step of determining if information is written to the removable medium; and the step of transmitting is performed when it has been determined that no information is written to the removable medium [i.e. blank disc] [Figure 6; and paragraphs 0012, 0074].

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8. As per claim 8, Hunter discloses prohibiting a writing of information to the removable medium, when it has been determined that the removable medium contains previously written information [i.e. currently stored movie] [Figure 6; a paragraph 0074].

9. As per claim 9, Hunter discloses notifying a user that information is written to the removable medium [i.e. alert] [paragraph 0139, lines 31-33].

10. As per claim 10, Hunter discloses writing the information to a memory in the computer which is other than the removable medium, when it has been determined that the removable medium contains previously written information [i.e. temporary storage] [paragraph 0169, lines 22-27].

11. As per claim 11, Hunter discloses transmitting the information to the computer in order for the device of the computer which is an optical disc drive to write the information to the removable medium which is an optical disc [paragraph 0121].

12. As per claim 12, Hunter discloses transmitting the information to the computer in order for the device of the computer which is an optical disc drive to write the information to the removable medium which is one of a CD-R and a CD-RW [paragraph 0124].

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13. As per claim 13, Hunter discloses transmitting the information to the computer in order for the intermediate storage device which is a hard disk drive to store the information [paragraph 0128].

14. As per claims 14 and 16, they are rejected for similar reasons as stated above in claims 1 and 3.

15. As per claim 19, Hunter discloses determining step is performed by the computer which includes the device [Figures 2A and 2B].

16. As per claim 20, Hunter discloses determining step is performed by a remote computer which transmits the information to the computer which includes the device [Figure 11].

17. As per claims 23-29, they are rejected for similar reasons as stated above in claims 7-13.

18. As per claims 59 and 61, they are rejected for similar reasons as stated above in claims 1 and 3.

19. As per claims 65-71, they are rejected for similar reasons as stated above in claims 7-13.

20. As per claims 72 and 74, they are rejected for similar reasons as stated above in claims 1 and 3.

21. As per claims 77 and 78, they are rejected for similar reasons as stated above in claims 19 and 20.

22. As per claims 81-87, they are rejected for similar reasons as stated above in claims 7-13.

23. Claims 4-6, 17, 18, 21, 22, 30-35, 37-49, 51-58, 62-64, 75, 76, 79, 80, 88-93, 95-107 and 109-116, are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter et al. [US Patent No 20020056118], in view of Wiser et al. [US Patent No 6,330,675], and further in view of Srinivasan [US Patent No 6,460,076].

24. As per claim 4, Hunter and Wiser do not specifically disclose at least a model number of the device. Srinivasan discloses some information that includes the model and make of the recording device [col 5, lines 52-54]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Hunter, Wiser and Srinivasan's teaching of model and make of the device would allow to determine compatibility of the device so that the proper driver can be provided.

25. As per claim 5, Srinivasan discloses at least a manufacturer of the device [i.e make] [col 5, lines 52-54].

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26. As per claim 6, Srinivasan discloses prohibiting the transmitting of the information to the computer, when the determining step determines the device of the computer does not meet the predefined criteria [i.e. reject request if device is not compatible] [col 5 ,lines 54-56].

27. As per claims 17 and 18, they are rejected for similar reasons as stated above in claims 4 and 5.

28. As per claims 21 and 22, they are rejected for similar reasons as stated above in claim 6.

29. As per claim 30, it is rejected for similar reasons as stated above in claims 14, and 5.

Furthermore, Hunter discloses the information including first importance information [i.e. key codes] [Figure 8; and paragraphs 0080-0082], and second importance information [i.e. movie] [Abstract] having an important which is lower than the first important information [i.e. playback movie when all codes are present] [paragraph 0083]; and writing the first important information to a hard disk drive of the computer [paragraph 0128].

30. As per claim 31, Hunter discloses requesting, by the computer, that the information be transmitted thereto [Figure 11].

31. As per claim 32, Hunter discloses transmitting, to a remote computer over a network, state data of the device which writes to the storage medium [paragraph 0089, lines 8-16; and paragraph 0144].

32. As per claims 33 and 34, they are rejected for similar reasons as stated above in claims 4 and 5.

33. As per claim 35, it is rejected for similar reasons as stated above in claim 1.

34. As per claim 37, it is rejected for similar reasons as stated above in claims 6, 33 and 34.

35. As per claim 38, it is rejected for similar reasons as stated above in claims 4 and 5.

36. As per claim 39, it is rejected for similar reasons as stated above in claim 7.

37. As per claim 40, it is rejected for similar reasons as stated above in claim 6.

38. As per claim 41, it is rejected for similar reasons as stated above in claims 9 and 10.

39. As per claim 42, Hunter discloses providing, by a user, an instruction to perform said step of writing the second importance information, when there exists an indication that information is recorded on the storage medium [i.e. overwrite] [paragraph 0141, lines 13-20].

40. As per claim 43, it is rejected for similar reasons as stated above in claim 41.

Furthermore, Hunter discloses writing the first and second importance information to the hard

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disk drive, when there is an indication that information is recorded on the storage medium [paragraph 0144, lines 21-25].

41. As per claim 44, it is rejected for similar reasons as stated above in claim 12.

42. As per claims 45 and 46, they are rejected for similar reasons as stated above in claims 30 and 32.

43. As per claims 47 and 48, they are rejected for similar reasons as stated above in claims 4 and 5.

44. As per claim 49, it is rejected for similar reasons as stated above in claim 35.

45. As per claims 51 and 52, they are rejected for similar reasons as stated above in claims 37 and 38.

46. As per claim 53, it is rejected for similar reason as stated above in claim 39.

47. As per claim 54, it is rejected for similar reasons as stated above in claim 40.

48. As per claim 55-58, they are rejected for similar reason as stated above in claims 41-44.

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49. As per claims 62-64, they are rejected for similar reasons as stated above in claims 4-6.

50. As per claims 75 and 76, they are rejected for similar reasons as stated above in claims 4 and 5.

51. As per claims 79 and 80, they are rejected for similar reason as stated above in claim 21.

52. As per claims 88-90, they are rejected for similar reasons as stated above in claims 30-32.

53. As per claims 91 and 92, they are rejected for similar reasons as stated above in claims 4 and 5.

54. As per claim 93, it is rejected for similar reasons as stated above in claim 35.

55. As per claims 95 and 96, they are rejected for similar reasons as stated above in claims 37 and 38.

56. As per claim 97, it is rejected for similar reasons as stated above in claim 39.

57. As per claim 98, it is rejected for similar reasons as stated above in claim 6.

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58. As per claims 99-102, they are rejected for similar reasons as stated above in claims 41-44.

59. As per claim 103, it is rejected for similar reasons as stated above in claim 30.

60. As per claim 104, it is rejected for similar reasons as stated above in claim 32.

61. As per claims 105 and 106, they are rejected for similar reasons as stated above in claims 47 and 48.

62. As per claim 107, it is rejected for similar reasons as stated above in claim 49.

63. As per claims 109 and 110, they are rejected for similar reasons as stated above in claims 51 and 52.

64. As per claim 111, it is rejected for similar reasons as stated above in claim 53.

65. As per claim 112, it is rejected for similar reasons as stated above in claim 54.

66. As per claims 113-116, they are rejected for similar reasons as stated above in claims 55-58.

67. Claims 36, 50, 94, 108, are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter et al. [US Patent No 20020056118], in view of Wiser et al. [US Patent No 6,330,675] and Srinivasan [US Patent No 6,460,076], and further in view of Allen [US Patent No 5,794, 217].

68. As per claim 36, Hunter, Wiser and Srinivasan do not specifically disclose the step of writing the first importance information writes computer instruction; and the step of writing the second importance information writes computer data. Allen discloses the step of writing the first importance information writes computer instruction; and the step of writing the second importance information writes computer data [col 10, lines 19-38]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Hunter, Wiser, Srinivasan and Allen because Allen's teaching of instruction and data would allow to remotely control and manage the writing or recording of information in a more efficient manner.

69. As per claim 50, it is rejected for similar reasons as stated above in claim 36.

70. As per claim 94, it is rejected for similar reasons as stated above in claim 36.

71. As per claim 108, it is rejected for similar reasons as stated above in claim 50.

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72. Applicant's arguments with respect to claims 1, 3-14, 16-59, 61-72, 74-116 have been considered but are moot in view of the new ground(s) of rejection.


73. A shortened statutory period for response to this action is set to expire **3 (three) months and 0 (zero) days** from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dustin Nguyen whose telephone number is (571) 272-3971. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached at (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Dustin Nguyen

Examiner

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